

MICHIGAN SUPREME COURT



Office of Public Information

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FOR IMMEDIATE RELEASE

JUSTICE RECUSAL PROCEDURE PROPOSALS ON AGENDA FOR MICHIGAN SUPREME COURT'S SEPTEMBER 2 PUBLIC HEARING; PUBLIC ADMINISTRATIVE CONFERENCE TO FOLLOW HEARING

LANSING, MI, Sept. 1, 2009 – The process for recusing a Michigan Supreme Court justice from participating in a case is on the agenda for the Court's public [administrative hearing](#) tomorrow, which will be followed by the Court's public [administrative conference](#). Both events will take place in the Court's courtroom on the 6th floor of the [Michigan Hall of Justice](#) in Lansing at 925 W. Ottawa Street. The public hearing will begin at 9:30 a.m. and adjourn no later than 11:30 a.m.; the administrative conference will follow after a brief break.

Under the Court's traditional practice, if a party moves for a justice's recusal, that justice decides whether he or she can participate in the case and is not required to explain the decision in writing; the justice's decision is not subject to review by other justices. The Court is considering three alternative proposals ([ADM 2009-04](#)) that would change that procedure. The proposals, which were published for comment in March, may be viewed with comments at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#Other2>.

These and other proposed or recently-adopted court rules may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/#proposed>.

The Court regularly holds hearings as part of its public comment process for proposed court rules and other administrative matters, and invites members of the public to share their views on agenda items. Those wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, Michigan 48909 or by e-mail at MSC_clerk@courts.mi.gov and should reference the ADM file number for the items on which they wish to address the Court. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. A schedule of the Court's public hearing is available online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PH.htm>.

Other items on the public hearing agenda:

- [ADM 2005-32](#) would require more detailed pleadings in debt collection cases and would allow a chief judge to authorize court clerks to screen such pleadings. Clerks could reject pleadings that do not comply with Michigan court rules, statutes, or Michigan Supreme Court records standards.
- [ADM 2008-13](#) is a proposed addition to the Michigan Rules of Professional Conduct, which govern attorney ethics and conduct. The proposed rule would require attorneys to

maintain client trust accounts in financial institutions approved by the State Bar of Michigan. Under the proposal, a financial institution would be required to notify both the attorney on the account, and Attorney Grievance Commission, if the trust account is overdrawn.

- [ADM 2009-08](#) would amend Michigan Court Rule 3.936, which governs fingerprinting of juveniles in criminal cases. The proposed rule would require the court, on the juvenile defendant's motion, to direct the State Police "or other official holding the information" to destroy the fingerprints where "no petition on the offense is submitted to the court, the court does not authorize the petition, or the court does not take jurisdiction of the juvenile" The current version of the rule provides a procedure for return of fingerprints, rather than their destruction.
- [ADM 2009-09](#) would require a court to submit a local administrative order to the State Court Administrative Office giving the names and contact information for that court's magistrates and referees. The proposed change would also require courts to describe the scope of their magistrates' and referees' authority.
- [ADM 2009-13](#) would amend MCR 2.112 and 2.118 regarding challenges to affidavits of merit and meritorious defense, and notices of intent to sue, in medical malpractice lawsuits. The proposed amendments would set time limits for such challenges, and would allow parties to amend insufficient affidavits unless it would be unjustified. The proposed changes would explicitly provide that the amended affidavit of merit or meritorious defense relates back to the date of the original filing.

The Court's public administrative conference agenda includes all items on the public hearing agenda. Also on the conference agenda:

- Appointments to the State Bar of Michigan Board of Commissioners.
- Appointments to the Attorney Grievance Commission.
- Draft of the 2009 Judicial Resources Recommendations Report. This biennial report from the State Court Administrative Office assesses whether state courts need additional or fewer judgeships.
- [ADM 2005-42](#), which would allow courts to enter pleas for juveniles who violate the Michigan Vehicle Code. The proposed rules would also require courts to report those cases to the Secretary of State.
- Whether to publish for comment a proposal that either would eliminate the consent calendar provisions of MCR 3.932 as they apply to juvenile cases, or require a prosecutor's approval to transfer a juvenile case to the consent calendar.
- Whether to publish for comment amendments to juvenile court rules that would incorporate provisions of the federal Indian Child Welfare Act.

- Whether to publish for comment rule changes that would incorporate provisions of the Indian Child Welfare Act into rules for adoption and guardianship proceedings.
- Whether to publish for comment additions to the Michigan Rules of Professional Conduct, including an amendment to MRPC 5.4, “Professional Independence of a Lawyer.”

The Court will also discuss rules governing its public administrative conferences.

The agenda for this and future public administrative conferences may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/AdminConf.htm>.

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